

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

TERRY SWACK,

Plaintiff,

v.

LEHMAN BROTHERS, INC.,

Defendant.

Civil Action No. 03-10907-RCL

ROBERT COOPERSMITH and ALLEN  
ECKERT, Individually and on Behalf of all  
Others Similarly Situated,

Plaintiffs,

v.

LEHMAN BROTHERS, INC.,

Defendant.

Civil Action No. 03-12205-RCL

**MOTION TO ENLARGE TIME**

Pursuant to Fed. R. Civ. P. 6 and Local Rule 7.1(B)(2), the defendant Lehman Brothers, Inc. ("Lehman") respectfully moves that:

1. The time within which the defendant shall have to respond to the Motion for Appointment of Robert Coopersmith as Lead Plaintiff and for Approval of His Selection of Lead Counsel in No. 03-12205, shall be enlarged to and including February 11, 2004;
2. The time within which the defendants shall have to answer, move or otherwise respond to the complaint in either action shall be thirty (30) days after the later of

(a) the entry of any order appointing a lead plaintiff, or (b) the service of a Consolidated Amended Complaint, if any; and

3. The parties shall thereafter agree upon a schedule for discovery, if any, and briefing of the alternative Motion for Class Certification by the plaintiff in No. 03-12205.

By its attorneys,

s/ John D. Donovan, Jr.

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#### Local Rule 7.1 Certification

Pursuant to Local Rule 7.1(A)(2), I hereby certify that I have conferred with counsel for the plaintiff in good faith on the subject matter of the within motion, and that the plaintiff has been unable to respond in a timely fashion.

s/ John D. Donovan, Jr.

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John D. Donovan, Jr. (BBO# 130950)

#### Certificate of Service

I hereby certify that I served the within document on counsel for all parties electronically and by first-class mail on February 4, 2004.

s/ John D. Donovan, Jr.

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John D. Donovan, Jr. (BBO# 130950)

